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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,734	09/30/2003	Donald Ray Gillis	HSJ9-2003-0117US1	6379

7590 09/24/2004

Attn: John J. Oskorep  
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EXAMINER

SNIEZEK, ANDREW L

ART UNIT PAPER NUMBER

2651

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/675,734

**Applicant(s)**

GILLIS ET AL.

**Examiner**

Andrew L. Snizek

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-30 is/are allowed.
- 6) ☒ Claim(s) 1 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 2-7 and 11-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/30/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed 9/30/03 has been considered.

### ***Drawings***

The drawings filed 9/30/03 are acceptable to the examiner.

### ***Double Patenting***

1. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of copending Application No. 10/675,696. Although the conflicting claims are not identical, they are not patentably distinct from each other because Each is directed to a method of bonding a lubricant to a disk comprising providing a heat source to produce heat and moving a magnetic head across the disk while bonding the lubricant produced by the heat source. The heat source of the present invention is equivalent to the claimed heating element of co-pending application 10/675,696.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

2. Claim 10 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/675,696. Although the conflicting claims are not identical, they are not patentably distinct from each other because each is directed to a magnetic head that includes a heat source to bond a lubricant to the disk. The heat source of the present invention is equivalent to the claimed heating element of co-pending application

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10/675,696. Also, the elimination of elements (first and second pole pieces of the copending application) along with their corresponding function (not even claimed) is deemed obvious.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

3. Claims 8 and 9 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of copending Application No. 10/675,696 in view of Gregory et al. ('383). Claim 6 of copending applicant teaches the claimed invention as discussed above. Claim 8 additionally sets forth that the surface portion comprises an inner diameter or an outer diameter and claim 9 provides a reservoir in the drive. Although not taught by copending application 10/675,696 such features are well known in the art as taught by Gregory et al. (figure 4) in order to keep the disk surface lubricated. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the reservoir and lubricant locations as taught by Gregory et al. in the arrangement of copending application 10/675,696 to maintain a lubricated surface.

This is a provisional obviousness-type double patenting rejection.

#### ***Allowable Subject Matter***

4. Claims 2-7, 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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5. Claims 15-30 are allowed.

6. The following is an examiner's statement of reasons for allowance: The claimed disk drive as set forth in claim 15 that includes a read/write mode of operation in which data is read from/written to and a lubricant bonding mode of operation in which the heat source is used is neither taught by nor an obvious variation of the art of record. The claimed computer program product, set forth in claim 23 including a data medium and instructions that causes a heat source at the air bearing surface to be energized so that a lubricant is thermally bonded to the disk is neither taught by nor an obvious variation of the art of record.

7. The following is a statement of reasons for the indication of allowable subject matter: The claimed arrangement as set forth in claims 2/1, 3/1, 4/1 that comprises a heat source formed by one or more pole pieces is neither taught by nor an obvious variation of the art of record. The claimed arrangement as set forth in claims 11/10, 12/10, 13/10 that comprises a heat source formed by first and second pole pieces, or first and/or second pole pieces is neither taught by nor an obvious variation of the art of record. The claimed arrangement as set forth in claim 5/1 that includes repeating, on a regular basis; claim 6/1 that performs the acts on identification an expiration of a predetermined time period; 7/1 that performs the acts based on identifying a predetermine ambient condition; claim 14/10 that energizes the heat source on a regular basis is neither taught by nor an obvious variation of the art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

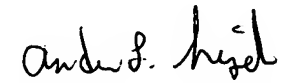
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Patel et al. is a general teaching of using a lubricant on a disk. Wei et al. Teaches using thermal, chemical, polar, ultra-violet bonding techniques of a lubricant. Kasiraj et al. teaches having a heater in the write gap. Hamann et al. teaches a heating element for thermal magnetic recording. Kang et al. teaches a heater for thermally controlling the distal end of a slider.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Sniezek whose telephone number is 703-308-1602. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Andrew L. Sniezek  
Primary Examiner  
Art Unit 2651

A.L.S.  
9/21/04